

Agency 22

State Fire Marshal

Articles

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Article 1.—KANSAS FIRE PREVENTION CODE

22-1-1. Municipal compliance with Kansas fire prevention code. (a) When a municipality adopts one of the nationally recognized fire codes or the fire protection segment of a nationally recognized building code and modifies a section of that code, a summary of the modifications shall be submitted to the state fire marshal's office. The modifications shall be reviewed and either approved or rejected by the state fire marshal. The municipality shall be notified of the action within 30 days from receipt of the summary.

(b) Each alternate method of fire protection that has been approved by a local board of appeals as a substitute for strict compliance with code requirements shall be deemed to be in compliance with the Kansas fire prevention code.

(c) Each question arising as to whether another state statute or an enactment of a municipality is inconsistent with the provisions of the fire prevention code shall be resolved by the state fire marshal after a hearing with all interested parties. Each decision of the state fire marshal made under authority of this subsection shall be appealable in accordance with the provisions of K.S.A. 31-142 and amendments thereto. (Authorized by and implementing K.S.A. 2008 Supp. 31-133 and 31-134; effective May 1, 1981; amended May 1, 1985; amended Aug. 28, 1989; amended Sept. 17, 1990; amended Feb. 4, 2011.)

22-1-2. Compliance with certain building codes. A building shall be deemed to comply with the Kansas fire prevention code if the building conforms to one of the following building codes and to any additional special requirements of the Kansas fire prevention code and if the building has been issued a certificate of occupancy:

(a) The 1997 edition of the uniform building code (UBC); or

(b) the 2006 edition of the international building code (IBC). (Authorized by and implementing K.S.A. 31-134a; effective May 1, 1985; amended Aug. 28, 1989; amended May 10, 1993; amended July 9, 2004; amended Feb. 4, 2011.)

22-1-3. Adopted codes and standards. The following codes and national fire protection association (NFPA) standards are adopted by reference:

(a) International building code (IBC), international code council, 2006 edition, including the appendices but excluding the references in chapter 35 to NFPA 13, 13D, 13R, 14, 30, 72, 101, and 110;

(b) international fire code (IFC), international code council, 2006 edition, including the appendices but excluding the following:

(1) Chapters 22, 30, 33, 34, 35, 36, and 38; and

(2) the references in chapter 45 to NFPA 10, 13, 13D, 13R, 14, 25, 30, 30A, 52, 72, 101, 110, and 385;

(c) portable fire extinguishers. NFPA standard

no. 10, including annexes A, B, C, D, E, F, G, H, I, J, and K, 2007 edition. The provisions of section 4.4.1 shall be effective only on and after January 1, 2014;

(d) installation of sprinkler systems. NFPA standard no. 13, including annexes A, B, C, and E, 2007 edition;

(e) installation of sprinkler systems in one- and two-family dwellings and manufactured homes. NFPA standard no. 13D, including annexes A and B, 2007 edition;

(f) installation of sprinkler systems in residential occupancies up to and including four stories in height. NFPA standard no. 13R, including annexes A and B, 2007 edition;

(g) installation of standpipe and hose systems. NFPA standard no. 14, including annexes A and B, 2007 edition;

(h) dry chemical extinguishing systems. NFPA standard no. 17, including annexes A and B, 2002 edition;

(i) wet chemical extinguishing systems. NFPA standard no. 17A, including annexes A and B, 2002 edition;

(j) water-based fire protection systems. NFPA standard no. 25, including annexes A, B, C, D, and E, 2008 edition.;

(k) flammable and combustible liquids. NFPA standard no. 30, including annexes A, B, C, D, E, F, and H, 2008 edition;

(l) motor fuel-dispensing facilities. NFPA standard no. 30A, including annexes A, B, and D, 2008 edition;

(m) vehicular fuel systems. NFPA standard no. 52, including annexes A, C, D, and E, 2006 edition;

(n) national electric code. NFPA standard no. 70, including annexes A, B, C, D, E, F, G, and H, 2008 edition;

(o) fire alarms. NFPA standard no. 72, including annexes A, B, C, E, F, G, and H, 2007 edition;

(p) vapor removal from cooking equipment. NFPA standard no. 96, including annexes A and B, 2008 edition;

(q) life safety code. NFPA standard no. 101, including annexes A and B, 2006 edition;

(r) alternative approaches to life safety. NFPA standard no. 101A, including annexes A and B, 2007 edition;

(s) assembly seating, tents, and membrane structures. NFPA standard no. 102, including annexes A and B, 2006 edition;

(t) emergency and standby power systems.

NFPA standard no. 110, including annexes A, B, and C, 2005 edition;

(u) fire safety symbols. NFPA standard no. 170, including annexes A, B, C, and D, 2006 edition; and

(v) tank vehicles for flammable and combustible liquids. NFPA standard no. 385, including annexes A, B, and C 2007 edition. (Authorized by and implementing K.S.A. 2008 Supp. 31-133; effective May 10, 1993; amended Feb. 4, 2011.)

Article 8.—LIQUEFIED PETROLEUM GASES

22-8-13. Adoption of national codes. The following national fire protection association standards, including the annexes, are hereby adopted by reference: (a) Standard no. 54, “national fuel gas code,” 2006 edition; and

(b) standard no. 58, “liquefied petroleum gas code,” 2008 edition, except that the provisions of chapter 6.25 shall be effective only on and after January 1, 2012. (Authorized by and implementing K.S.A. 2008 Supp. 55-1812; effective March 31, 2006; amended Feb. 4, 2011.)

Article 10.—INSTALLATION AND CERTIFICATION STANDARDS FOR EXTINGUISHING DEVICES

22-10-3. Registration certificate. (a) Each business that services, recharges, installs, or inspects portable fire extinguishers or fixed extinguishing systems or hydrostatically tests these cylinders or any combination of them shall obtain a registration certificate issued by the state fire marshal unless otherwise exempted by these regulations. The registration certificate shall indicate the class or classes that are authorized. A certified business shall provide only the classes listed under its own registration number. A certified business may take orders for a class or classes that are not authorized by its registration certificate if these orders are consigned to a business that is certified to perform the class or classes indicated.

(b) The registration certificate shall indicate one or more of the following classes:

(1) Class RA, which permits servicing, recharging, installing, or inspecting fixed extinguishing systems by a currently certified manufacturer’s distributor;

(2) class RB, which permits servicing, recharging, installing, or inspecting portable fire extinguishers;

(3) class RC, which permits hydrostatic testing of non-DOT cylinders, including wet chemical or dry chemical containers; or

(4) class RD, which permits servicing, recharging, and inspecting fixed extinguishing systems.

(c) Each business that desires a registration certificate shall submit a written application on forms prescribed by the state fire marshal and signed by the sole proprietor, each partner, or an officer of the corporation, as appropriate.

(d) Each applicant shall provide proof that an employee meets one of the following requirements:

(1) Received training from the manufacturer of each fixed extinguishing system whose products are used by the business indicating the type or types of systems the employee has been trained to service; or

(2) meets the following requirements:

(A) Has a notarized affidavit filed with the state fire marshal's office attesting that the employee has at least two years of experience in servicing, recharging, and inspecting fixed extinguishing systems and has access to the tools and service manuals for each fixed extinguishing system that the business services; and

(B) has current certification through the international code council and the national association of fire equipment distributors (ICC/NAFED).

(e) A nonrefundable application fee of \$200 shall accompany each application. No fee shall be charged for any person who is an officer or employee of the state or any political or taxing subdivision if that person is acting on behalf of the state or political or taxing subdivision.

(f)(1) Each applicant for a class RA registration certificate shall provide proof of at least \$500,000 of insurance covering comprehensive general liability, bodily injury, property damage, and completed operations.

Written authorization shall be included from each fixed extinguishing system manufacturer whose products are used by the business including the types of systems the business is authorized and has been trained to install or service. The manufacturer's authorization shall remain valid until the employee's training certificate expires or is cancelled for misconduct.

(2) Each applicant for a class RB or RC registration certificate shall provide proof of at least \$100,000 of insurance covering comprehensive general liability, bodily injury, property damage, and completed operations.

(3) Each applicant for a class RD registration certificate shall provide proof of a at least \$1,000,000 of insurance covering comprehensive general liability, bodily injury, property damage, and completed operations.

(g) If, after reviewing the application, insurance information, record of services, servicing and shop facilities, and methods and procedures of operations, the state fire marshal finds that granting or renewing a registration certificate would be in the interest of public safety and welfare, a certificate for the appropriate classes of registration requested by the business shall be issued or renewed by the state fire marshal. An identifying number shall be assigned by the state fire marshal to each registration certificate.

(h) Each registration certificate shall be valid for one calendar year. Renewal applications shall be submitted to the state fire marshal on or before November 30 of the year of expiration and shall meet the requirements of subsections (d), (e), and (f), as applicable.

(i) Evidence that a registration certificate has been altered shall render the certificate invalid. The altered certificate shall be surrendered to the state fire marshal.

(j) Each change in the location or ownership of a certified business shall be reported in writing to the state fire marshal at least 14 days before the change. Failure to notify the state fire marshal may render the registration certificate invalid. Each change in location or ownership shall be verified by the state fire marshal or an authorized deputy.

(k) Each registration certificate issued by the state fire marshal shall be posted at the certified location and be available for inspection during normal business hours.

(l) A duplicate registration certificate may be issued by the state fire marshal to replace one that has been lost or destroyed if a written statement attesting to the loss or destruction of the original certificate is submitted.

(m) A registration certificate shall not constitute authorization for a registration certificate holder or the holder's employees to perform either of the following:

(1) To enter any property or building; or

(2) to enforce any provision of these regulations. (Authorized by and implementing K.S.A. 2008 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981, effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982;

amended May 1, 1983; amended Aug. 28, 1989; amended Sept. 17, 1990; amended Jan. 21, 1991; amended Feb. 4, 2011.)

Article 11.—ADULT CARE HOMES, HOSPITALS, RESIDENTIAL CARE FACILITIES AND MATERNITY CENTERS

22-11-6. (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective May 1, 1981; amended May 1, 1985; amended May 1, 1986; amended Sept. 17, 1990; revoked Feb. 4, 2011.)

22-11-8. Adult and boarding care homes. (a) The requirements of NFPA standard no. 101, which is adopted in K.A.R. 22-1-3, shall apply to one- and two-bed adult care homes, one- and two-bed adult family homes, three- and four-bed boarding care adult care homes, and boarding care homes for the mentally retarded.

(b) A life safety code inspection of a home shall be performed by the state fire marshal or an authorized representative under K.S.A. 31-137, and amendments thereto, upon request from the Kansas department of health and environment.

(c) As used in this subsection, “ambulatory” shall mean having the physical and mental capability of getting in and out of bed and walking in a normal path to safety in a reasonable period of time without the aid of another person. “Non-ambulatory” shall mean not having the physical or mental capability of getting in and out of bed and walking a normal path to safety without the aid of another person.

(1) Ambulatory residents who are able to walk without the aid of another person but are unable to move from place to place without the use of a device including a walker, crutches, wheelchair, or wheeled platform shall be housed on the ground level of a home if handicap accommodations for exiting are present.

(2) Fully ambulatory residents who do not require the use of a device including a walker, crutches, wheelchair, or wheeled platform may be housed on any level of a home.

(3) Nonambulatory persons shall not be allowed as residents.

(d) The following requirements shall apply to all one- and two-bed adult care homes, one- and two-bed adult family homes, three- and four-bed boarding care adult care homes, and boarding care homes for the mentally retarded, in addition to NFPA standard no. 101, which is adopted in K.A.R. 22-1-3:

(1) Emergency lighting shall be provided to ensure illumination for evacuation in case of a power failure.

(2) Fire alarms, smoke detectors, and fire extinguishers shall be maintained in an operable condition at all times.

(3) Fire drills shall be conducted as frequently as necessary, and at least once every three months, to ensure orderly egress in case of an emergency.

(4) Each exit and each route to each exit shall be clearly marked so that all residents will readily know the direction of egress from any point within the building.

(5) Each exit shall be arranged and maintained to provide free, unobstructed egress. Locks or fastening devices shall not be installed to prevent free escape from inside the building.

(6) Each building shall be constructed, arranged, equipped, maintained, and operated to avoid danger to the lives and safety of its residents from fire, smoke, fumes, and panic during emergency situations. (Authorized by and implementing K.S.A. 2008 Supp. 31-133 and K.S.A. 31-147; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended Sept. 17, 1990; amended Feb. 4, 2011.)

Article 15.—CHILD CARE FACILITIES

22-15-7. (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective May 1, 1979; amended May 1, 1986; amended Sept. 17, 1990; revoked Feb. 4, 2011.)

Article 18.—EDUCATIONAL OCCUPANCIES

22-18-3. Construction requirements for school buildings. (a) The construction of school buildings shall meet the requirements of the international building code, 2006 edition, as specified in K.S.A. 31-134a and amendments thereto. All electric wiring shall conform to the requirements of the national electric code of the national fire protection association adopted by K.A.R. 22-1-3.

(b) The construction of mobile, modular, portable, or relocatable school buildings shall meet the requirements of the life safety code adopted by K.A.R. 22-1-3. (Authorized by and implementing K.S.A. 2008 Supp. 31-133, 31-150; effective Sept. 17, 1990; amended May 10, 1993; amended Feb. 4, 2011.)

**Article 19.—CERTIFICATION OF
FIRE INVESTIGATORS**

22-19-2. Certification of fire investigators. Certification may be granted at one of two levels: certified fire investigator I or certified fire investigator II. (a) Each individual seeking certification at either level shall apply on a form approved by the state fire marshal. Any individual that meets and demonstrates the following criteria may be certified by the state fire marshal:

- (1) Is a United States citizen;
- (2) has been fingerprinted, with a search of local, state, and national fingerprint files to determine whether the applicant has a criminal record;
- (3) has not been convicted, does not have an expunged conviction, and on and after July 1, 1995, has not been placed on diversion by any state or the federal government for a crime that is a felony or its equivalent under the uniform code of military justice;
- (4) has not been convicted, does not have an expunged conviction, and has not been placed on diversion by any state or the federal government for a misdemeanor crime of domestic violence or its equivalent under the uniform code of military justice, if the misdemeanor crime of domestic violence was committed on or after the effective date of this regulation;
- (5) is the holder of a high school diploma or furnishes evidence of successful completion of an examination indicating an equivalent achievement;
- (6) is of good moral character;
- (7) is free of any physical or mental condition that could adversely affect the applicant's performance of a fire investigator's duties;
- (8) is at least 21 years of age;
- (9) is recommended by the agency head of the applicant's jurisdiction;
- (10)(A) Provides proof of successful completion of a fire investigation course, within the past five calendar years, that meets or exceeds the "standard for professional qualifications for fire investigator" established by the national fire protection association in publication number 1033, 2009 edition, which is hereby adopted by reference, and all law enforcement training required under K.S.A. 74-5607a et seq., and amendments thereto, and applicable regulations. Each applicant who completed an approved fire investigation course more than five years before the date of application shall submit proof of the applicant's successful completion of the course and proof of the appli-

cant's fire investigation responsibilities within the past five calendar years; or

(B) achieves a score of at least 80 percent on the fire investigation graded examination. Any applicant may take this examination only once. If an applicant scores less than 80 percent, the applicant shall meet the requirement in paragraph (a)(10)(A); and

(11) submits a completed criminal history form. Each applicant shall also provide proof that the applicant has submitted fingerprints to the Kansas bureau of investigation.

(b) Each applicant for certified fire investigator II shall, in addition to meeting all of the requirements in subsection (a), successfully complete a firearms training course approved for law enforcement officers and be employed full-time by a fire department or law enforcement agency. Each applicant for a certified fire investigator II shall maintain firearms qualifications annually and shall provide documentation of this to the state fire marshal.

(c) Any applicant who is a part-time or volunteer certified fire investigator I may apply for certification as a fire investigator II with a written recommendation from the local law enforcement agency.

(d) Comparable qualifications from another state or jurisdiction may be recognized by the state fire marshal.

(e) Certification as a fire investigator I or II shall be valid for three years.

(f) Any certification issued under this regulation may be suspended or revoked by the state fire marshal if the state fire marshal finds that the certification holder has not accumulated and documented at least 60 points in each three-year period following initial certification and has not provided this documentation to the state fire marshal as follows:

(1) Training points shall be earned at the rate of one point for every clock-hour of department-approved training attended or taught, and 10 points shall be earned for every college-level course of three or more credit hours for which the applicant achieves a grade of C or higher if the course content directly relates to fire investigation skills. No more than 10 points shall be applied from instructing. At least 30 points shall be earned in this category, and a maximum of 40 points may be applied towards recertification.

(2) Experience points shall be earned for performing fire scene investigation and reporting or

for the supervision of fire scene investigation and reporting. Points shall be earned at the rate of one point per fire investigation performed or supervised. At least 10 points shall be earned in this category, and a maximum of 20 points may be earned.

(3) Each individual shall be required to accumulate and document at least 10 points of training in law enforcement-related courses.

(g) Points shall not be carried over from one three-year period into another. A fire investigator who is certified before the effective date of this regulation shall not be required to meet the requirements in paragraph (f)(3) until the individual's next three-year certification period following the effective date of this regulation.

(h) For each subsequent three-year certification, each individual shall provide the following to the state fire marshal no later than 60 days before the expiration of the individual's current certification:

(1) A completed certification form approved by the state fire marshal;

(2) originals or legible copies of all documents establishing the points earned; and

(3) a notarized statement of eligibility for the subsequent three-year certification.

(i) If an individual's certification lapses for more than six months, the individual shall complete all applicable requirements in subsections (a) through (e). (Authorized by and implementing K.S.A. 31-157; effective, T-84-43, Dec. 21, 1983; effective May 1, 1984; amended May 10, 1993; amended Aug. 27, 1999; amended Aug. 5, 2011.)

22-19-3. (Authorized by and implementing K.S.A. 31-157; effective, T-84-43, Dec. 21, 1983; effective May 1, 1984; amended May 10, 1993; amended Aug. 27, 1999; revoked Aug. 5, 2011.)

22-19-5. Filing reports with state fire marshal. (a) Each person certified as a fire investigator I or II shall file a report of every fire investigation conducted by that individual with the state fire marshal within 30 days. The report shall contain all information on the current report form used by the state fire marshal's deputies, including the following:

(1) The name and birthdate of the owner;

(2) the name and birthdate of each suspect, if any, and either the driver's license or other identification number of each suspect;

(3) the name, the birthdate, and either the

driver's license or other identification number of each witness; and

(4) the name of the insurance company, policy number, and amount of insurance coverage.

(b) Supplemental reports shall be filed indicating disposition of the case.

(c) Each report shall be submitted through the investigative database used by the state fire marshal's investigations division.

(d) Failure to file the reports specified in this regulation shall be grounds for suspension or revocation of the certificate pursuant to K.A.R. 22-1-5. (Authorized by K.S.A. 2009 Supp. 31-133; implementing K.S.A. 2009 Supp. 31-137; effective May 10, 1993; amended Aug. 5, 2011.)

Article 24.—REGIONAL HAZARDOUS MATERIALS RESPONSE

22-24-3. Adoption by reference. As part of the development and implementation of a statewide system of hazardous material assessment and response, the following nationally recognized standards are hereby adopted by reference:

(a) "Standard for competence of responders to hazardous materials/weapons of mass destruction incidents," national fire protection association (NFPA) standard no. 472, including annexes but excluding chapter 1, section 2.3 and chapter 9, 2008 edition; and

(b) "standard for competencies for EMS personnel responding to hazardous materials/weapons of mass destruction incidents," national fire protection association (NFPA) standard no. 473, including annexes but excluding chapter 1, section 2.3, 2008 edition. (Authorized by and implementing K.S.A. 2008 Supp. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002; amended Oct. 2, 2009.)

Article 25.—REDUCED CIGARETTE IGNITION PROPENSITY

22-25-1. Definitions. (a) "ASTM" shall mean the American society for testing and materials or its successor organization.

(b) "Attorney general" shall mean the attorney general of the state of Kansas.

(c) "Consumer testing" shall mean an assessment of cigarettes that is conducted by, or under the control and direction of, a manufacturer for the purpose of evaluating consumer acceptance of the cigarettes, utilizing only the quantity of ciga-

rettes that is reasonably necessary for the testing. Consumer testing shall not be construed as the “sale” of cigarettes for the purposes of this article.

(d) “Person” shall mean an individual, partnership, corporation, or other association.

(e) “Sale” shall mean any transfer of title or possession, or both, or exchange or barter, conditional or otherwise, in any manner or by any means or any agreement. In addition to cash and credit sales, the giving of cigarettes as samples, prizes, or gifts and the exchanging of cigarettes for any consideration other than money shall be considered sales of cigarettes.

(f) “State fire marshal” shall mean the fire marshal of the state of Kansas.

(g) “UPC symbol” shall mean the symbol signifying the universal product code. (Authorized by K.S.A. 2011 Supp. 31-611; implementing K.S.A. 2011 Supp. 31-602; effective July 27, 2012.)

22-25-2. Certification forms and require-

ments; recertification. (a) Certification forms may be requested from the state fire marshal’s office.

(b) If any certification form, including all required documentation, is incomplete, the state fire marshal or designee shall notify the manufacturer in writing that the submission is incomplete. All missing information and documentation shall be submitted to the state fire marshal’s office within 30 days of notification. If the submission is still incomplete after 30 days, the fees shall not be refunded or considered part of that submission or any other request.

(c) Each cigarette shall be retested in accordance with K.S.A. 31-603, and amendments thereto, within one year before the submission of an application for recertification as required by K.S.A. 31-604, and amendments thereto. (Authorized by K.S.A. 2011 Supp. 31-611; implementing K.S.A. 2011 Supp. 31-604; effective July 27, 2012.)